

IN THE NORTH CAROLINA GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA)	
)	COUNTY of COLUMBUS
v.)	
)	15 CrS 51501
RAHEEM DAVIS,)	
)	
Defendant.)	

TRANSCRIPT, Volume I of I

Monday, January 30, 2017

January 30, 2017, Criminal Session

The Honorable Douglas B. Sasser, Judge Presiding

Transcript of Plea

APPEARANCES:

Kaitlyn Richards, ADA
110 Courthouse Square
Whiteville, NC 28472
On behalf of the State

Misty Jorgensen, Attorney at Law
PO Box 248
Tabor City, NC 28463
On behalf of the Defendant

Karen J. Turnage, RPR
Official Court Reporter - District 13A Resident
Post Office Box 277
Dunn, NC 28335

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KAREN J. TURNAGE, RPR
Official Court Reporter
District 13A Resident

1 MS. RICHARDS: The next one is an add-on: Raheem
2 Davis. This is Ms. Jorgensen's as well. It's 15 CrS 51501.

3 Ms. Jorgensen, how does your client plead to one
12:07:28 4 count of discharging a weapon into occupied vehicle, the
12:07:32 5 reduced Class E felony?

12:07:36 6 MS. JORGENSEN: Guilty pursuant to *Alford*.

12:07:39 7 MS. RICHARDS: I believe that would be as the
12:07:40 8 accessory after the fact; is that correct?

12:07:45 9 MS. JORGENSEN: Yes; that is correct.

12:07:46 10 THE COURT: Mr. Davis, left hand on the Bible,
12:07:48 11 raise your right as best you can.

12:07:51 12 (Whereupon, the defendant was first duly sworn.)

12:07:56 13 THE COURT: Sir, you are Raheem Davis?

12:07:58 14 THE DEFENDANT: Yes, sir.

12:07:59 15 THE COURT: If you will state your date of birth
12:08:01 16 for the record.

12:08:01 17 THE DEFENDANT: 9/23/98.

12:08:04 18 THE COURT: Mr. Davis, are you able to hear and
12:08:07 19 understand me?

12:08:08 20 THE DEFENDANT: Yes, sir.

12:08:08 21 THE COURT: Do you understand you have the right
12:08:10 22 to remain silent and any statement you make may be used
12:08:13 23 against you?

12:08:13 24 THE DEFENDANT: Yes, sir.

12:08:13 25 THE COURT: At what grade level can you read and

12:08:15 1 write?

12:08:15 2 THE DEFENDANT: Ninth.

12:08:16 3 THE COURT: Are you now under the influence of
12:08:18 4 alcohol, drugs, narcotics, medicines, pills, or any other
12:08:22 5 such substance?

12:08:22 6 THE DEFENDANT: No, sir.

12:08:23 7 THE COURT: When was the last time you used or
12:08:26 8 consumed any such substance?

12:08:27 9 THE DEFENDANT: A year.

12:08:28 10 THE COURT: Has Ms. Jorgensen explained the
12:08:30 11 charges to you?

12:08:31 12 THE DEFENDANT: Yes, sir.

12:08:31 13 THE COURT: Do you understand the nature of the
12:08:32 14 charges?

12:08:33 15 THE DEFENDANT: Yes, sir.

12:08:33 16 THE COURT: And do you understand what the State
12:08:34 17 would have to prove for you to be found guilty of the
12:08:37 18 charges?

12:08:38 19 THE DEFENDANT: Yes, sir.

12:08:38 20 THE COURT: Have you and Ms. Jorgensen discussed
12:08:39 21 possible defenses, if any, to the charges?

12:08:42 22 THE DEFENDANT: Yes, sir.

12:08:42 23 THE COURT: And are you satisfied with your
12:08:44 24 lawyer's legal services?

12:08:45 25 THE DEFENDANT: Yes, sir.

12:08:46 1 THE COURT: Do you understand you have the right
12:08:47 2 to plead not guilty and be tried by a jury?

12:08:50 3 THE DEFENDANT: Yes, sir.

12:08:51 4 THE COURT: Do you understand at a trial you have
12:08:52 5 the right to confront and to cross-examine the witnesses
12:08:55 6 against you?

12:08:55 7 THE DEFENDANT: Yes, sir.

12:08:56 8 THE COURT: And also that you have the right to
12:08:59 9 present witnesses that would testify on your own behalf?

12:09:01 10 THE DEFENDANT: Yes, sir.

12:09:02 11 THE COURT: And do you understand by entering this
12:09:04 12 plea you give up these and other valuable constitutional
12:09:07 13 rights in regards to a jury trial?

12:09:09 14 THE DEFENDANT: Yes, sir.

12:09:13 15 THE COURT: Do you understand that upon conviction
12:09:14 16 of a felony you may forfeit any State licensing privileges
12:09:18 17 you have in the event that you refuse probation or that your
12:09:21 18 probation is revoked?

12:09:23 19 THE DEFENDANT: Yes, sir.

12:09:23 20 THE COURT: Do you also understand that upon your
12:09:25 21 plea of guilty there will be limitations as to your right to
12:09:28 22 appeal?

12:09:29 23 THE DEFENDANT: Yes, sir.

12:09:30 24 THE COURT: And if there's any DNA evidence
12:09:32 25 associated with your case, that your plea may limit how long

12:09:35 1 that evidence will be preserved?

12:09:37 2 THE DEFENDANT: Yes, sir.

12:09:39 3 THE COURT: Now, Mr. Davis, under this plea
12:09:40 4 agreement, do you understand you are pleading guilty to the
12:09:42 5 felony offense of discharging a weapon into occupied
12:09:46 6 property?

12:09:47 7 THE DEFENDANT: Yes, sir.

12:09:47 8 THE COURT: Do you understand that in the worst
12:09:51 9 case scenario, that would carry a maximum possible sentence
12:09:54 10 of 88 months in prison?

12:09:56 11 THE DEFENDANT: Yes, sir.

12:09:56 12 THE COURT: Do you also understand that based upon
12:09:58 13 your prior record level, which is anticipated being Record
12:10:00 14 Level I, that your actual exposure is significantly less
12:10:05 15 than that?

12:10:06 16 THE DEFENDANT: Yes, sir.

12:10:07 17 THE COURT: And do you now personally plead guilty
12:10:10 18 to that offense?

12:10:11 19 THE DEFENDANT: Yes, sir.

12:10:12 20 THE COURT: Do you consider it to be in your best
12:10:14 21 interest to plead guilty to that charge?

12:10:16 22 THE DEFENDANT: (Nodded head affirmatively)

12:10:16 23 THE COURT: And do you understand, upon your
12:10:17 24 *Alford* guilty plea, you'll be treated as being guilty
12:10:21 25 whether or not you admit that you're in fact guilty?

12:10:23 1 THE DEFENDANT: Yes, sir.

12:10:23 2 THE COURT: And this is part of a plea agreement,
12:10:24 3 and the terms and conditions are as follows:

12:10:26 4 You plead guilty pursuant to *Alford*, and you'll be
12:10:30 5 found guilty of the charge.

12:10:31 6 THE DEFENDANT: Yes, sir.

12:10:32 7 THE COURT: You'll receive a sentence of 15 months
12:10:35 8 minimum to 30 months maximum.

12:10:36 9 That is a presumptive range sentence?

12:10:40 10 MS. JORGENSEN: Mitigated.

12:10:41 11 THE COURT: Mitigated. All right. So he admitted
12:10:42 12 responsibility as a mitigating factor.

12:10:44 13 Mitigated range sentence. That will be suspended.
12:10:47 14 You'll be placed on supervised probation for a period of two
12:10:51 15 years; abide by all the terms and conditions of regular
12:10:53 16 supervised probation. In addition, you'll receive an active
12:10:57 17 split of 30 days, but you'll get credit -- have you already
12:11:00 18 got at least 30 days in jail?

12:11:03 19 THE DEFENDANT: I have more than 30 days.

12:11:04 20 THE COURT: You'll get your 30 days; so you'll get
12:11:07 21 credit for the split up front. Also be ordered to have a
12:11:11 22 TASC assessment, follow any recommended treatment. There's
12:11:13 23 an order that you'll be -- fairly significant restitution:
12:11:16 24 \$2,397.34 -- under Probation, you'll be ordered to pay those
12:11:24 25 moneys back. And that you are going to be ordered, within

12:11:28 1 30 days of your getting back out of jail, be on probation,
12:11:33 2 you either must be enrolled in school or gainfully employed
12:11:38 3 or taking some kind of job-readiness class.

12:11:43 4 THE DEFENDANT: Yes, sir. I've got a job.

12:11:45 5 THE COURT: Okay. Is that correct as being all
12:11:47 6 the terms and conditions of the plea agreement?

12:11:48 7 THE DEFENDANT: Yes, sir.

12:11:48 8 THE COURT: And do you personally accept those
12:11:50 9 terms and conditions?

12:11:51 10 THE DEFENDANT: Yes, sir.

12:11:51 11 THE COURT: And do you understand the State is
12:11:52 12 dismissing some other charges against you?

12:11:55 13 THE DEFENDANT: Yes, sir.

12:11:55 14 THE COURT: Has anyone made any threats or
12:11:56 15 promises to cause you to enter this plea against your
12:11:59 16 wishes?

12:12:00 17 THE DEFENDANT: No, sir.

12:12:00 18 THE COURT: Do you enter this plea of your own
12:12:01 19 free will, fully understanding what you're doing?

12:12:04 20 THE DEFENDANT: Yes, sir.

12:12:04 21 THE COURT: Do you agree there's facts to support
12:12:06 22 your plea?

12:12:07 23 THE DEFENDANT: Yes, sir.

12:12:07 24 THE COURT: And do you consent to the State
12:12:08 25 summarizing the evidence in regards to a factual basis?

12:12:10 1 THE DEFENDANT: Yes, sir.

12:12:11 2 THE COURT: Have you gone over the transcript of
12:12:12 3 plea form with Ms. Jorgensen?

12:12:15 4 THE DEFENDANT: Yes, sir.

12:12:15 5 THE COURT: Have you read all the questions?

12:12:16 6 THE DEFENDANT: Read all the questions.

12:12:17 7 THE COURT: Seen all the answers?

12:12:19 8 THE DEFENDANT: Yes, sir.

12:12:19 9 THE COURT: And are those answers all true and
12:12:20 10 accurate, to the best of your knowledge?

12:12:22 11 THE DEFENDANT: Yes, sir.

12:12:22 12 THE COURT: And is that your signature on the
12:12:23 13 third page?

12:12:24 14 THE DEFENDANT: Yes, sir.

12:12:24 15 THE COURT: Mr. Davis, do you have any questions
12:12:26 16 about what I've said to you or about anything else connected
12:12:28 17 with your case?

12:12:30 18 THE DEFENDANT: No, sir.

12:12:31 19 THE COURT: You may have a seat.

12:12:32 20 Factual basis from the State.

12:12:33 21 MS. RICHARDS: Yes, Your Honor.

12:12:33 22 I said aiding and abetting earlier because
12:12:35 23 Ms. Jorgensen and I were back and forth on negotiations. So
12:12:38 24 it is the Class E on discharge weapon into occupied vehicle.

12:12:42 25 On or about June 14/June 15, 2015, a Robert and

12:12:48 1 Sue Skelton -- who are residents of I believe the Raleigh
12:12:52 2 area -- were traveling through the Chadbourn area of our
12:12:57 3 county, and at that time, their car was hit by multiple
12:13:02 4 shots. They went to Tabor City; they went to report it; and
12:13:06 5 Tabor City let Chadbourn know what was going on.

12:13:11 6 During that investigation, Detective Trevino came
12:13:14 7 across two witnesses, a Shanika Billings and a Renee
12:13:19 8 McKinnis, who said that they saw Mr. Davis along with a
12:13:24 9 codefendant, Houston Scott, on the other side of the road,
12:13:27 10 which would be the side that the Skeltons' car was hit on;
12:13:32 11 Mr. Davis being with a rifle and Mr. Houston with a handgun.
12:13:38 12 They also allege that those weapons were pointed at them.
12:13:42 13 And we'll be dismissing those based on this plea. The
12:13:47 14 vehicle was occupied; no permission to be shooting at it at
12:13:51 15 that time.

12:13:51 16 Thank you, Your Honor.

12:13:52 17 THE COURT: One question.

12:13:52 18 MS. RICHARDS: Yes, sir.

12:13:52 19 THE COURT: For purposes of the probationary terms
12:13:58 20 and conditions. There were several folks involved. Any
12:14:02 21 indication of any gang activity?

12:14:05 22 MS. RICHARDS: Yes, Your Honor. There's a third
12:14:07 23 person charged also: Carl Mason.

12:14:10 24 THE COURT: We'll make sure also the gang-related
12:14:12 25 terms and conditions of probation be required.

12:14:15 1 MS. RICHARDS: The State would allege that, yes,
12:14:17 2 Your Honor.

12:14:18 3 THE COURT: All right. Anything regarding the
12:14:19 4 factual basis?

12:14:21 5 MS. JORGENSEN: Your Honor, had this matter gone
12:14:22 6 to trial, the evidence for the defense would have shown that
12:14:26 7 several times in the past Mr. Mason has attempted to fire a
12:14:31 8 weapon at my client on various streets in Chadbourn. On
12:14:37 9 this particular day, Mr. Mason was firing at my client; my
12:14:43 10 client returned fire, Your Honor, in self-defense; but,
12:14:46 11 unfortunately, a car was in the middle that had nothing to
12:14:51 12 do with that. And so that's where we are.

12:14:55 13 THE COURT: All right. Mr. Davis, stand up, sir.

12:14:58 14 Mr. Davis, the Court finds there is a factual
12:15:02 15 basis for the entry of your plea, that you're satisfied with
12:15:05 16 your lawyer's legal services, and that you're competent to
12:15:08 17 stand trial. The Court finds the State is not submitting
12:15:10 18 any aggravating factors, and it's stipulated the Court
12:15:13 19 finding in mitigation that the defendant has admitted
12:15:16 20 responsibility for his actions in this matter and to
12:15:18 21 sentence from the mitigated range.

12:15:20 22 MS. RICHARDS: Yes, sir. Thank you.

12:15:20 23 THE COURT: The Court would also find the parties
12:15:22 24 have stipulated the defendant is Record Level I for felony
12:15:25 25 sentencing purposes. The Court finds the plea is the

12:15:28 1 informed choice of the defendant and is made freely,
12:15:30 2 voluntarily, and understandingly. The defendant's plea is
12:15:34 3 hereby accepted by the Court and is ordered recorded.

12:15:36 4 Anything regarding sentencing, Ms. Jorgensen?

12:15:41 5 MS. JORGENSEN: Your Honor, just to say that
12:15:42 6 Mr. Davis has no prior record, as you can see. Mr. Davis
12:15:46 7 lives with his mother, who is here today, and he lives there
12:15:50 8 with his younger brother and stepfather. He's working for
12:15:54 9 Carolinas Staffing with East Carolina Warehouse, and he has
12:16:00 10 told me he has a desire to enroll at SCC as soon as
12:16:04 11 possible, because he would like to better himself and move
12:16:08 12 on out of Chadbourn possibly.

12:16:12 13 THE COURT: Anything from the State regarding
12:16:14 14 sentencing?

12:16:14 15 MS. RICHARDS: No, Your Honor. Thank you.

12:16:15 16 THE COURT: In File No. 15 CrS 51501, defendant's
12:16:20 17 *Alford* plea of guilty to discharging a weapon into occupied
12:16:23 18 property, it's the order of the Court he's found guilty of
12:16:26 19 that offense; Class E/Level I. The Court will find in
12:16:30 20 mitigation that the defendant has accepted responsibility
12:16:32 21 for his actions. The Court will sentence from the mitigated
12:16:35 22 range a minimum of 15/corresponding maximum of 30 months in
12:16:40 23 the Department of Corrections.

12:16:41 24 I will suspend that sentence upon the following
12:16:43 25 terms and conditions:

12:16:43 1 The Court will order a 30-day active split; will
12:16:48 2 give him credit for time already served awaiting hearing in
12:16:51 3 regards to that matter; then followed by 24 months
12:16:56 4 supervised probation. He is to abide by all the terms and
12:16:58 5 conditions of regular supervised probation. In addition, he
12:17:01 6 is also to abide by all the terms and conditions of --
12:17:04 7 gang-related terms and conditions of special probation; have
12:17:09 8 a TASC assessment performed, follow any recommended
12:17:12 9 treatment; submit to warrantless searches and seizures and
12:17:15 10 random drug and alcohol screens; and he's not to use,
12:17:17 11 possess, or consume any controlled substance unless
12:17:20 12 prescribed by a physician and taken in the recommended
12:17:22 13 dosage.

12:17:22 14 Within 30 days from today's date, he is either to
12:17:26 15 be gainfully employed or enrolled in school or taking some
12:17:30 16 type of job-readiness class through coordination with his
12:17:36 17 probation officer, and he's to provide any appropriate
12:17:38 18 documentation to show he's in compliance with those
12:17:41 19 conditions.

12:17:41 20 Also, he is to pay restitution, costs of court,
12:17:48 21 will not impose a fine -- restitution in the amount of
12:17:50 22 \$2,397.34, for the benefit of Ms. Phyllis Skelton. That
12:17:59 23 will be joint and several with the codefendants, Carl Mason
12:18:02 24 and Houston Scott.

12:18:04 25 And just to understand, Mr. Davis, joint and

12:18:06 1 several, if they pay money in, that reduces your obligation,
12:18:11 2 but if they don't pay anything, you're obligated for the
12:18:16 3 whole amount. That's the way that works.

12:18:19 4 THE DEFENDANT: Yes, sir.

12:18:19 5 THE COURT: Court-appointed?

12:18:20 6 MS. JORGENSEN: Yes, sir, Your Honor.

12:18:21 7 THE COURT: And how much time?

12:18:22 8 MS. JORGENSEN: Ten.

12:18:23 9 THE COURT: Ten hours.

12:18:23 10 Do you acknowledge your lawyer has got at least 10
12:18:25 11 hours in your case?

12:18:26 12 THE DEFENDANT: Yes, sir.

12:18:27 13 THE COURT: Is that the \$65 or --

12:18:30 14 MS. JORGENSEN: I thought it was the \$60.

12:18:32 15 THE COURT: Is it still the \$60 rate?

12:18:34 16 MS. JORGENSEN: I think so.

12:18:35 17 THE COURT: So \$600 in Court-appointed attorney's
12:18:38 18 fees as well.

12:18:39 19 MS. RICHARDS: May I approach, Your Honor, on that
12:18:41 20 Court-appointed attorney's fees?

12:18:45 21 THE COURT: Yes, ma'am.

12:18:46 22 (Sidebar conference)

12:19:41 23 THE COURT: This is somewhat unusual; I don't have
12:19:45 24 this happen very often. Mr. Davis, the reason the State
12:19:48 25 wanted to approach is the indication is -- the State's

12:19:51 1 position is they feel quite confident that Ms. Jorgensen put
12:19:55 2 a whole lot more than 10 hours in your case. Apparently,
12:19:57 3 she's met with Madam Prosecutor on several occasions and
12:20:02 4 discussed it, and she is just kind of shocked Ms. Jorgensen
12:20:06 5 wasn't turning in any more than what she submitted.

12:20:08 6 You're nodding your head. Do you think she's got
12:20:11 7 a lot more than 10 hours in your case as well?

12:20:15 8 THE DEFENDANT: Yeah.

12:20:15 9 THE COURT: Ms. Jorgensen, if 10 hours is what you
12:20:18 10 want, I thank you, but if you want to reconsider your hours,
12:20:20 11 apparently everybody around you thinks you've got a lot more
12:20:24 12 time in this than what you told the Court you have. I'll
12:20:26 13 leave that decision up to you.

12:20:27 14 MS. RICHARDS: Your Honor, if I may, I know that
12:20:28 15 Ms. Jorgensen and I actually spent at least eight hours in
12:20:32 16 Chadbourn the other day just scoping out this scene,
12:20:36 17 reviewing evidence prior to that.

12:20:41 18 MS. JORGENSEN: Your Honor, what Ms. Richards is
12:20:43 19 saying is very true, Your Honor. I want to give Mr. Davis a
12:20:47 20 chance to make good on probation, and I think \$2,300 in
12:20:51 21 restitution for someone who has a part-time job with a temp
12:20:57 22 agency is just not realistic.

12:21:01 23 THE COURT: How many hours have you got in the
12:21:03 24 case? As an officer of the court, how many hours have you
12:21:05 25 got in the case?

12:21:06 1 MS. JORGENSEN: Realistically, around 17, Your
12:21:07 2 Honor.

12:21:07 3 THE COURT: How many?

12:21:07 4 MS. JORGENSEN: Seventeen.

12:21:10 5 THE COURT: Seventeen?

12:21:10 6 MS. JORGENSEN: Yes, Your Honor.

12:21:10 7 THE COURT: I'm going to remit supervision fees.
12:21:20 8 He's got two years. I'm going to let him apply the money --
12:21:23 9 instead of going to supervision fees, he's going to apply it
12:21:26 10 to your attorney's fees. That way you're going to get paid
12:21:29 11 for the time you've got in it. I appreciate what you've
12:21:31 12 done, Ms. Jorgensen.

12:21:31 13 You ought to appreciate somebody going to bat for
12:21:33 14 you at this point, and I hope I don't see you back up here.
12:21:37 15 If you don't do what you're supposed to do and there's a
12:21:40 16 probation violation, it's coming back in front of me; and
12:21:44 17 then just be careful; if somebody has gone to bat trying to
12:21:47 18 help you out, I certainly hope -- if they're trying to help
12:21:50 19 you, I certainly hope you are going to try to help yourself.

12:21:53 20 THE DEFENDANT: Yes, sir.

12:21:53 21 THE COURT: All right. So we're going to change
12:21:55 22 that to 17 hours in Court-appointed attorney's fees times
12:21:58 23 \$60, but I'll remit supervision fees.

12:22:02 24 All right. Anything else we need to address,
12:22:04 25 folks?

12:22:05 1 MS. JORGENSEN: No, Your Honor.

12:22:06 2 THE COURT: And he'll be required to submit a DNA

12:22:09 3 sample.

12:22:09 4 Thank you, folks.

12:22:12 5 MS. RICHARDS: Thank you, Your Honor.

12:22:13 6 (Whereupon, the proceedings concluded at

12:22:13 7 12:22 P.M.)

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KAREN J. TURNAGE, RPR
Official Court Reporter
District 13A Resident

COURT REPORTER'S CERTIFICATE

I, Karen J. Turnage, RPR, certify that I recorded by stenotype the transcript of proceedings in captioned cause, taken in the General Court of Justice, Superior Court Division, Columbus County, Whiteville, North Carolina, at the January 30, 2017, Criminal Session, before the Honorable Douglas B. Sasser, Judge Presiding.

I further certify that to the best of my knowledge and belief, the foregoing transcript constitutes a true and correct transcript of the said proceedings.

Given under my hand this 9th day of November, 2018.



Karen J. Turnage, RPR
District 13A Resident
PO Box 277
Dunn, NC 28335

KAREN J. TURNAGE, RPR
Official Court Reporter
District 13A Resident